

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JACKIE LEE BOYD,**

Plaintiff,

v.

**GREG ABBOTT, et al.,**

Defendants.

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Civil Action No. **3:08-CV-0699-L**

**ORDER**

Before the court are the Findings, Conclusions and Recommendations of the United States Magistrate Judge, filed February 12, 2009. Plaintiff timely filed objections.

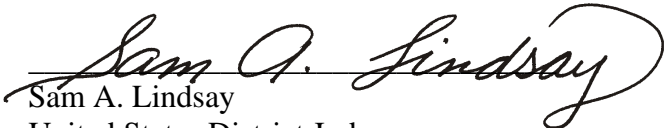
Plaintiff is proceeding *pro se* and *in forma pauperis*. He filed this action pursuant to 42 U.S.C. § 1983, alleging that his civil rights have been denied because the state has denied his petitions for writ of habeas corpus. The magistrate judge recommends dismissing Plaintiff's claims with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim because no cause of action has accrued under *Heck v. Humphrey*, 512 U.S. 477 (1994).

Plaintiff objects generally to the magistrate's report and argues that section 1983 should include claims such as his. His objections are without merit, as it is clear that his claims should be dismissed with prejudice unless his conviction has been reversed, expunged, or otherwise invalidated. *Heck*, 512 U.S. at 486-87; *see also Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996). Accordingly, the court **overrules** Plaintiff's objections.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court

therefore **dismisses** Plaintiff's claims **with prejudice** to their being asserted again until the *Heck* conditions are met.

**It is so ordered** this 24th day of March, 2009.

  
Sam A. Lindsay  
United States District Judge